RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE (1) APPROVING THE ANNUAL BUDGET REPORT FOR MAINTENANCE DISTRICT 5 (ORCHARD PARKWAY - PLUMERIA DRIVE) FOR FISCAL YEAR 2024-2025, AS FILED OR MODIFIED BY THE CITY COUNCIL, AND CONFIRMING AND LEVYING THE INDIVIDUAL ASSESSMENTS AS FILED OR MODIFIED BY THE CITY COUNCIL; AND (2) DIRECTING THE DIRECTOR OF PUBLIC WORKS TO DELIVER THE ASSESSMENT ROLL TO THE COUNTY OF SANTA CLARA FOR COLLECTION WITH THE PROPERTY TAXES

WHEREAS, on July 17, 1979, the City Council of San José ("City Council") adopted Resolution No. 51886 providing for the establishment of the City of San José Maintenance District 5A (Orchard Parkway - First Street to Plumeria Drive); and

WHEREAS, on July 17, 1979, the City Council adopted Resolution No. 51887 providing for the establishment of the City of San José Maintenance District 5B (Orchard Parkway and Plumeria Drive); and

WHEREAS, on June 13, 1995, the City Council adopted Resolution No. 65980 providing for the reformation of the City of San José Maintenance Districts 5A and 5B, combined as Maintenance District 5 (Orchard Parkway - Plumeria Drive) in accordance with the provisions of San José Municipal Code Chapter 14.15, referred to as the Alternative Procedures for Maintenance Districts; and

WHEREAS, on June 20, 2000, the City Council adopted Resolution No. 69686 providing for the reauthorization of the City of San José Maintenance District 5 (Orchard Parkway - Plumeria Drive) pursuant to the provisions of San José Municipal Code Chapter 14.15, which was revised to conform to the requirements of California Proposition No. 218; and

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WHEREAS, because the proposed annual change in the assessment does not exceed the annual change in the San Francisco-Oakland-Hayward, CA Consumer Price Index, the Director of Public Works has prepared and filed with the City Clerk an Annual Budget Report for Fiscal Year 2024-2025 ("Annual Budget Report") according to the requirements of San José Municipal Code Chapter 14.15; and

WHEREAS, the Annual Budget Report contains changes for the fiscal year, the proposed budget, the annual levy, the assessment roll and assessment diagram; and

WHEREAS, the City Council has considered the entirety of the administrative record including the Annual Budget Report, remedied and corrected any errors or informalities in the Annual Budget Report and revised and corrected any of the acts or determinations of the various City of San José ("City") officials as contained therein;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT**:**

1.   The Annual Assessment in the Annual Budget Report does not exceed the average annual change in the San Francisco-Oakland-Hayward, CA Consumer Price Index.

2.   The Annual Budget Report and each of the assessments therein as duly revised and corrected, are hereby approved, confirmed and adopted.

3.   The levying of assessments in the City of San José Maintenance District 5 (Orchard Parkway – Plumeria Drive) for Fiscal Year 2024-2025 in accordance with this Resolution is hereby authorized.

4.   The Annual Budget Report quantifies any general and/or special benefit contribution required from the City. City staff is directed to pay any required City contributions as set forth in the Annual Budget Report.

5.   The Annual Budget Report together with the certification of the City Clerk as to the place and date of approval by the City Council, shall forthwith be delivered to the Director of Public Works of the City of San José who shall thereafter deliver the assessments to the officer of the County of Santa Clara designated by law to extend City taxes upon the tax roll, and the proper County officer shall cause to be posted to the tax rolls the assessments to be collected for the fiscal year as set forth in the Annual Budget Report as confirmed.

ADOPTED this _____ day of _____, 2024, by the following vote:

      AYES:

      NOES:

      ABSENT:

      DISQUALIFIED:

                                    _____
                                    MATT MAHAN
                                    Mayor

ATTEST:

_____
TONI J. TABER, CMC
City Clerk

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